

REMARKS/ARGUMENTS

Double Patenting

At pages 2 and 3 of the Office Action, claims 40 to 45 were rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 11-12, 14-17 of allowed Application No. 10529379.

Applicant notes that independent claim 40 recites, as an element of the claim, that the core surface comprises resilient means for releasing a radial pressure acting on the turns of tape that have been wound up first. There has not been identified, in the Office Action, any of claims 11-12, 14-17 of Application No. 10529379 that includes this element.

Applicant's representative acknowledges the courtesy extended by Examiner Kruer in a telephone call to the Examiner of 4 March 2009. Based on this conversation, it is the applicant's understanding that the Examiner will issue an Interview Summary, in which the §101 rejection will be withdrawn, and claims 40 to 45 will instead be rejected on the ground of non-statutory obviousness-type double patenting.

At page 3 of the Office Action, claims 33 to 39 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 11-12, 14-17 of allowed Application No. 10529379, in view of O'Neill (4,796,412) and in further view of Soubeyrand et al. (FR 2581633).

Attached is a terminal disclaimer disclaiming any portion of the term of a patent issuing from the present application, that would exceed the term of U.S. Patent No. 7493740. The Examiner is advised that since the time of mailing of the Office Action, allowed Application No. 10529379 has issued as US 7493740. It is submitted that the attached terminal disclaimer overcomes the rejection of claims 40 to 45, and 33 to 39.

Since the remaining claims, 1 to 32, have been canceled, applicant respectfully submits that the claims are in condition for allowance, and asks for allowance of the claims as amended and now submitted. If any fees are deemed due, please charge same to Deposit Account No. 07-1765.

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Respectfully submitted,



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